

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ITV DIRECT, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-CV-10421-JLT
)	
HEALTHY SOLUTIONS, LLC, et al.,)	
)	
Defendants.)	
)	
RELATED CASES)	
)	
)	

SUPPLEMENTAL AFFIDAVIT OF PETER S. BROOKS

Peter S. Brooks, under oath, deposes and says

1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts and in this court. I represent and have served as lead counsel for the plaintiffs and defendants-in-counterclaim in this action. This affidavit is made as to facts of my own personal knowledge.

2. I am lead counsel in the case of Harwood Capital Corp. v. Carey presently pending in the Housing Court for Suffolk County in the Commonwealth of Massachusetts. On March 16, 2005, Judge Winik scheduled that case for a jury trial beginning May 31, 2005. The jury trial is scheduled for three days.

3. It was not until I attended the pretrial conference in that case on May 11, 2005, that Judge Winik made it clear to the parties that the trial date was a date certain and that there would be no further continuances.

4. When I appeared at the Pretrial Conference before this Court on April 4, 2005, I was not aware that the Housing Court trial date was a date certain. Based on my experience in the Massachusetts state courts, I understood that the trial date was only a tentative date.

Signed under the penalties of perjury this 24th day of May, 2005.

/s/ Peter S. Brooks

Peter S. Brooks